

Application No. 10/822,492
Attorney Docket No. 20712-0088-01

In addition, the Examiner has indicated that claim 1 is generic to all Groups. In accordance with the requirements of 37 CFR § 1.143 Applicant provisionally elects, with traverse and without prejudice, Group V, claims 1 and 43-53 directed to controlling the number of inverters and the frequency of the inverters.

Applicant traverses the restriction requirement for the following reasons. There is no undue burden placed on the patent office by examining all of the claims of Groups I, II, III, IV and V. To conduct a proper examination of the claims of any Group, the art relating to all of the groups must be searched to meet the thoroughness requirement of the rules. The rules provide:

"On taking up an application for examination or a patent in a reexamination proceeding, the Examiner shall make a thorough study thereof and shall make a thorough investigation of the available prior art relating to the subject matter of the claimed invention. The examination shall be complete with respect both to compliance of the application or patent under reexamination with the applicable statutes and rules and to the patentability of the invention as claimed, as well as with respect to matters of form, unless otherwise indicated." [37 CFR 1.104(a)].

There has been no showing that a search of the art relating to all the groups would pose a serious burden on the Examiner, and all should be searched. MPEP 803 states:

"If the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." [Emphasis added]

Given that 37 CFR 1.104(a) mandates a thorough examination, which would presumably include searching in art related to all groups, the mandate of MPEP 803 requires that all groups be examined. If the restriction is maintained, Applicant asks that the Examiner demonstrate why a search of art related to all groups would pose a serious burden, and in fact why the art related to all groups should not be searched to meet the thoroughness requirement. Applicant wants a

Application No. 10/822,492
Attorney Docket No. 20712-0088-01

thorough search of its invention, and is concerned that the search may be less than thorough if certain search areas are arbitrarily excluded for restriction reasons.

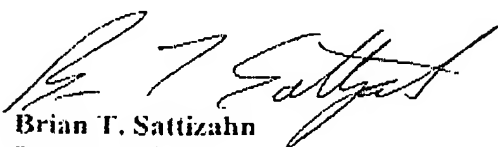
Applicant requests a prompt and favorable action by the Examiner. If the Examiner believes that prosecution of this Application could be expedited by a telephone conference, the Examiner is encouraged to contact the Applicant.

The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 50-1059.

Respectfully submitted,

MCNEES, WALLACE & NURICK LLC

By



Brian T. Sattizahn
Reg. No. 46,401
100 Pine Street, P.O. Box 1166
Harrisburg, PA 17108-1166
Tel: (717) 237-5258
Fax: (717) 237-5300

Dated: November 18, 2005